

REMARKS

Applicant is in receipt of the Office Action mailed December 22, 2006. Claims 92, 93, and 97 have been amended. No claims have been cancelled or added. Therefore, claims 82-106 are pending in this case. Reconsideration of the present case is earnestly requested in light of the following remarks.

Claim Objections

Claim 92 was objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant has amended claim 92 to depend on independent claim 82 to address this issue. Applicant submits that this amendment does not add new matter and is to address a matter of form to further put this case in condition for Appeal.

Section 112 Rejection

Claims 93 and 97 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. More specifically, the Office Action asserts that “Applicant has used a contradictory statement ‘and/or’”. Applicant respectfully submits that “and/or” is not a contradictory statement, and, as one skilled in the art understands, is an inclusive OR conjunction for two or more phrases. Said another way, the conjunction “and/or” means that any of the elements of the lists may be performed in any combination. Applicant has clarified this by using the phrase “one or more of” XXX “or” YYY. Applicant submits that these amendments do not add new matter and are to address matters of form to further put this case in condition for Appeal.

Section 102 Rejection

Claims 82-106 were rejected under 35 U.S.C. § 102(e) as being anticipated by Nagaoka et al. (hereinafter “Nagaoka”, US Patent Publication 2002/0180579). After the above recited amendments have been entered, Applicant will address this rejection in a Pre-Appeal Brief Request for Review.

CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested. Applicant submits that this Amendment simplifies issues for appeal, and hence should be entered.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5150-46100/JCH.

Respectfully submitted,

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